

ORDINANCE NO. 98-08-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN
REAL ESTATE FROM A TO I3.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF TIPPECANOE, INDIANA;**

Section 1. The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code, is hereby amended to rezone the following described real estate situated in Sheffield Township, Tippecanoe County, Indiana, to-wit:

EXHIBIT A

Part of the North West quarter of Section seven (7), in Township twenty two (22) North, Range three (3) West, described as follows:

Beginning at a point forty-eight & 50/100 (48.50) poles East of the North West corner of the North West corner of said Section, Township and Range; running thence East to the North East corner of said quarter Section; thence South with the East line of said quarter to the South East corner of said quarter; thence West along the South line of said quarter one hundred and thirteen & 54/100 (113.54) poles to a point forty-seven & 34/100 (47.34) poles East of the South West corner of said quarter Section; thence North, parallel with the West line of said quarter to the center of the New Castle State Road, where a stone has been placed; thence East one & 50/100 (1.50) poles more or less, to another stone; thence North along the East line of Mrs. Crowdens (sic) fence as it now stand; **BUT EXCEPTING THEREFROM** a tract heretofore conveyed to Harvey Kenney and Nancy Kenney, his wife, described as follows, to-wit: Beginning at a point forty-seven & 34/100 (47.34) poles East of the South West corner of the North West quarter of above Section, Township and Range; running thence North one hundred & 55/100 (100.55) poles to the center of the Lafayette and New Castle State Road; thence a South Easterly direction along the center of said road, following its meanderings one hundred and forty-nine (100.49) poles to where said road crosses the South line of said quarter section; thence West along said South line one hundred and seven & 50 (107.50) poles to the place of beginning, containing after said exception approximately 74.10 acres, more or less.

ALSO EXCEPTING THEREFROM a strip of land 70 feet in width from the center line of New Castle State Road along the portion of the property bounded by New Castle State Road along the portion of the property bounded by New Castle State Road.

ALSO the Northeast Quarter of Section Seven (7) in Township Twenty-two (22) North, Range Three (3) West, excepting therefrom One-fourth (1/4) of an acre out of the Northwest corner of the West half of said Northeast Quarter for school purposes and the right-of-way of the Norfolk and Western Railway Company (previously known as the Lafayette, Muncie and Bloomington Railroad), and containing approximately 154.59 acres, more or less.

ALSO sixty (60) acres off of the West side of the Northwest Quarter of Section Eight (8) in Township Twenty-two (22) North, Range Three (3) West.

EXCEPTING from the above described real estate a part of the Northeast Quarter of Section Seven (7) and a part of the Northwest Quarter of Section 8, all in Township 22 North, Range 3 West, Tippecanoe County, Indiana, described as follows: Beginning on the East line of said Section 7 South 0 degrees 54 minutes 00 seconds West 30.00 feet from the Northeast corner of said Section 7, which point of beginning is on the south boundary of S.R. 38; (1) thence South 89 degrees 05 minutes 30 seconds East 999.50 feet along said south boundary to an East line of the owner's land; (2) thence South 0 degrees 54 minutes 30 seconds West 227.70 feet along said East line; (3) thence North 88 degrees 47 minutes 40 seconds West 682.42

feet; (4) thence North 40 degrees 30 minutes 37 seconds West 78.69 feet; (5) thence northwesterly 165.16 feet along an arc to the right and having a radius of 5,834.58 feet and subtended by a long chord having a bearing of North 83 degrees 46 minutes 09 seconds West and a length of 165.15 feet; (6) thence North 81 degrees 33 minutes 42 seconds West 410.30 ; (7) thence Northwesterly 595.79 feet along an arc to the left and having a radius of 5,634.58 feet and subtended by a long chord having a bearing of North 85 degrees 59 minutes 15 seconds West and a length of 595.51 feet; (8) thence North 89 degrees 01 minutes 00 seconds West 395.80 feet; (9) thence North 0 degrees 59 minutes 00 seconds East 65.00 feet to the south boundary of S.R.38; (10) thence South 89 degrees 01 minutes 00 seconds East 1,297.54 feet along said south boundary to the point of beginning and containing 2,441 acres, more or less, in said Section 7 and containing 4.6999 acres more or less, in said Section 8; and containing in all 7.140 acres, more or less. Subject to and including the permanent extinguishment of all rights and easements of ingress and egress to, from and across the limited access facility (to be known as I-65, and S.R. 38 and as Project I-65-6(20)162) to and from the Grantor’s abutting land only along the lines described as follows: LINE 1: Beginning South 0 degrees 54 minutes 30 seconds West 175.63 feet from the northern end of Course (2) described above; thence North 88 degrees 55 minutes 03 seconds West 607.48 feet to the beginning. LINE 2: Beginning North 0 degrees 54 minutes 30 seconds East 13.75 feet from the Northern End of Course (2) described above; thence North 89 degrees 42 minutes 39 seconds West 616.97 feet to the beginning. And further the Grantor and his successors in title shall have access to a local service Road, where the Grantor’s remaining land abuts upon the following described line: Courses (3), (4), (5), (6), (7), (8), and (9) described above. The above-described access control line restriction constitutes a covenant running with the land and shall be binding on all successors in title to the said lands.

Containing in all after the above exception 226.309 acres, more or less, in Section Seven (7) and 55.301 acres, more or less, in Section Eight (8), both in Township Twenty-two (22) North, Range Three (3) West, and located in Sheffield Township, Tippecanoe County, Indiana.

Subject to easements and restrictions of record, to existing roadways and to the right-of-way of the Norfolk and Western Railway Company.

Section 2. The real estate described above should be and the same is hereby rezoned from A to I3.

Section 3. This Ordinance shall be in full force and effect from and after its passage.

Adopted and passed by the Board of Commissioners of Tippecanoe County, Indiana, this 3rd day of March, 1998.

VOTE:

BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE

YES

John L. Knochel, President

YES

Ruth E. Shedd, Vice President

YES

Kathleen Hudson, Member

ATTEST:

Betty J. Michael, Auditor